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17 Attorneys for Defendant BEAM GLOBAL  
SPIRITS & WINE LLC f/k/a BEAM  
18 GLOBAL SPIRITS & WINE, INC.  
19

20 IN THE UNITED STATES DISTRICT COURT  
21  
22 SOUTHERN DISTRICT OF CALIFORNIA

23 Renata Bonar, On Behalf of Herself, All  
24 Others Similarly Situated and the General  
25 Public,  
26

27 Plaintiff,

28 v.  
29 BEAM GLOBAL SPIRITS & WINE, INC.,  
and DOES 1-25, Inclusive,  
30

Defendants.

Case No. 11-cv-02058 CAB (KSC)

The Hon. Cathy Ann Bencivengo  
Courtroom: 2

**UNDER SEAL  
DECLARATION OF STEVE  
FECHHEIMER IN SUPPORT OF  
DEFENDANT BEAM'S MOTION FOR  
SUMMARY JUDGMENT**

Date: February 19, 2013  
Time: 2:00 p.m.  
Place: Courtroom 2

DECLARATION OF STEVE FECHHEIMER IN SUPPORT  
OF BEAM'S MOTION FOR SUMMARY JUDGMENT  
11-CV-02058 CAB (KSC)

1 I, Steve Fechheimer, state and declare as follows:

2 1. I am currently Vice President, National Accounts Strategic Development, Jim  
3 Beam Brands Co. From October 2009 to August 2011, I was Vice President for Strategy and  
4 Corporate Development of Beam, Inc. In that capacity, I was personally involved in and  
5 responsible for many aspects of the "Skinnygirl" acquisition referenced below, including key  
6 negotiations of the agreement with the sellers. I have personal knowledge of the facts set forth  
7 below and, if called as a witness, I could and would testify competently to them. I submit this  
8 declaration in support of Beam's Motion for Summary Judgment in the above-entitled action.

9 2. Jim Beam Brands Co. ("Jim Beam"), a wholly owned subsidiary of Beam Global  
10 Spirits & Wine, LLC (f/k/a Beam Global Spirits & Wine, Inc.) ("Beam") purchased the  
11 "Skinnygirl Margarita" trademark and certain related rights by a March 17, 2011, Asset Purchase  
12 Agreement with Skinny Girl Cocktails LLC and others.

13 3. Before March 17, 2011, Beam and Jim Beam did not own the "Skinnygirl  
14 Margarita" trademark, and did not have any involvement in marketing or selling the "Skinnygirl  
15 Margarita" product. Neither Beam nor Jim Beam assumed liability for "Skinnygirl Margarita"  
16 sales or marketing activities occurring before the March 17, 2011 acquisition.

17 4. A true and correct redacted copy of the March 17, 2011, Asset Purchase  
18 Agreement with Skinny Girl Cocktails, LLC and others ("Agreement" or "APA") is attached  
19 hereto as Exhibit A.

20 5.

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**REDACTED**

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APA, § 2.04.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 27, 2012, at Deerfield.

  
Steve Fechheimer

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2 <u>Exhibit</u>	Page
3 Exhibit A: March 17, 2011, Asset Purchase Agreement with Skinny Girl	
4 Cocktails, LLC and others (redacted excerpts); Confidential: Subject	
5 to Protective Order.....	4
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